

1 **Proposed Changes to Title 14 CCR California Forest Practice Rules**
2 **Watercourse Rules Streamlining, 2006**

3 **Notice Date May 26, 2006**

4
5 **Amend 916.5(e), 936.5(e), 956.5(e) Procedure for Determining**
6 **Watercourse and Lake Protection Zone (WLPZ) Widths and Protective**
7 **Measures [All Districts]**

8
9 *****as determined in subsection (b) above.

10 **(e)** The letter designations shown in the "Protective Measures and
11 Widths" column in Table I correspond to the following:

12 "A" WLPZ shall be clearly identified on the ground by the
13 RPF who prepared the plan, or supervised designee, with paint,
14 flagging, or other suitable means prior to the preharvest inspection.
15 For nonindustrial timber management plans, sample identification of
16 the WLPZ prior to the preharvest inspection may be allowed. The
17 sample shall be based upon a field examination and be consistent with
18 the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5
19 [936.5, 956.5], representing the range of conditions found within the
20 WLPZ. The Director shall determine if the sample identification is
21 adequate for plan evaluation during the preharvest inspection. If
22 sample identification is allowed, the remaining WLPZ shall be
23 identified by an RPF or supervised designee prior to the start of
24 timber operations within or adjacent to the WLPZ. The RPF shall
25 notify the Department when the WLPZ has been identified.

1 "B" WLPZ shall be clearly identified on the ground by an
2 RPF⁷ or supervised designee, with paint, flagging, or other suitable
3 means, prior to the start of timber operations. In watersheds with
4 threatened or impaired values, on the ground identification of the
5 WLPZ shall be completed prior to the preharvest inspection. For all
6 nonindustrial timber management plans, sample identification of the
7 WLPZ prior to the preharvest inspection may be allowed. The sample
8 shall be based upon a field examination and be consistent with the
9 applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5
10 [936.5, 956.5], representing the range of conditions found within the
11 WLPZ. The Director shall determine if the sample identification is
12 adequate for plan evaluation during the preharvest inspection. If
13 sample identification is allowed, the remaining WLPZ shall be
14 identified by an RPF or supervised designee prior to the start of
15 timber operations within or adjacent to the WLPZ. The RPF shall
16 notify the Department when the WLPZ has been identified.

17 "C" In site-specific cases, the RPF may provide in the
18 plan, or the Director may require, that the WLPZ be clearly identified
19 on the ground with flagging or by other suitable means prior to the
20 start of timber operations.

21 "D" To ensure retention of shade canopy filter strip
22 properties of the WLPZ and the maintenance of a multi-storied stand
23 for protection of values described in 14 CCR 916.4(b) [936.4(b),
24 956.4(b)], ~~a base mark below the outline of residual or harvest trees~~
25 ~~within the zone shall be done in advance of the preharvest inspection~~

1 ~~by the RPF or supervised designee.~~ residual or harvest trees shall be
2 marked, including a base mark below the cut-line within the WLPZ by
3 the RPF, or supervised designee. Outside of watersheds with
4 threatened or impaired values, sample marking prior to the preharvest
5 inspection is satisfactory in those cases where the Director
6 determines it is adequate for plan evaluation. When sample marking
7 has been used, all marking shall be done in advance of falling
8 operations in the WLPZ by the RPF, or supervised designee. In
9 watersheds with threatened or impaired values, trees shall be marked
10 in advance of the preharvest inspection. For all nonindustrial timber
11 management plans, sample marking of the WLPZ prior to the preharvest
12 inspection may be allowed. The sample shall be based upon a field
13 examination and shall be consistent with the applicable provisions of
14 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing
15 the range of conditions found within the WLPZ. The Director shall
16 determine if the sample mark is adequate for plan evaluation during
17 the preharvest inspection. If sample marking is allowed, the
18 remaining WLPZ shall be marked by an RPF, or supervised designee,
19 prior to the start of timber operations within or adjacent to the
20 WLPZ. The RPF shall notify the Department when the WLPZ has been
21 identified.

22 "E" To ensure retention of shade canopy filter strip
23 properties of the WLPZ and the maintenance of ~~wildlife~~ a multi-storied
24 stand for protection of values described in 14 CCR 916.4(b) [936.4(b),
25 956.4(b)], a base mark shall be placed below the cutline of the
~~residual or harvest trees within the zone and shall be done in advance~~

1 ~~of timber falling operations by the RPF or supervised designee.~~
2 residual or harvest trees shall be marked, including a base mark below
3 the cut line, within the WLPZ by the RPF or supervised designee.
4 Outside of watersheds with threatened or impaired values, tree marking
5 shall be done prior to timber falling operations. In watersheds with
6 threatened or impaired values, trees shall be marked in advance of the
7 preharvest inspection. For all nonindustrial timber management plans,
8 sample marking of the WLPZ prior to the preharvest inspection may be
9 allowed. The sample shall be based upon a field examination and shall
10 be consistent with the applicable provisions of 14 CCR §§ 916.4
11 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of
12 conditions found within the WLPZ. The Director shall determine if the
13 sample mark is adequate for plan evaluation during the preharvest
14 inspection. If sample marking is allowed, the remaining WLPZ shall be
15 marked by an RPF or supervised designee prior to the start of timber
16 operations within or adjacent to the WLPZ. The RPF shall notify the
17 Department when the WLPZ has been identified.

18 "F" Residual or harvest tree marking within the WLPZ may
19 be stipulated in the THP by the RPF or required by the Director in
20 site-specific cases to ensure retention of filter strip properties or
to maintain soil stability of the zone. The RPF shall state in the
THP if marking was used in these zones.*****

**Amend 916.9, 936.9, 956.9 Protection and Restoration in Watersheds
with Threatened or Impaired Values [All Districts]**

*******(e)** Channel zone requirements

(1) There shall be no timber operations within the channel zone with the following exceptions:

(A) timber harvesting that is directed to improve salmonid habitat through the limited use of the selection or commercial thinning silvicultural methods with review and comment by DFG.

(B) timber harvesting necessary for the construction or reconstruction of approved watercourse crossings.

(C) timber harvesting necessary for the protection of public health and safety.

(D) to allow for full suspension cable yarding when necessary to transport logs through the channel zone.

(E) Class III watercourses where exclusion of timber operations is not needed for protection of listed salmonids.

(2) In all instances where trees are proposed to be felled within the channel zone, a base mark shall be placed below the cut line of the harvest trees within the zone. Such marking shall be completed by the RPF that prepared the plan prior to the preharvest inspection.

(f) Subsections (f)(1) through (f)(5) apply to those watercourse reaches where anadromous salmonids are always or seasonally present and to those watercourse reaches where anadromy is limited, but can be feasibly restored as identified by a DFG biologist or as further identified and refined during preparation and review of the plan. In the event that the Director concludes, based on written comments received from an agency listed in PRC §4582.6 and 14 CCR § 1037.3 and which participated in review of the plan, that the application of one or more of these subsections is necessary to conform with 14 CCR §§ 916.2[936.2, 956.2] (a) and 916.9[936.9, 956.9] (a), the Director shall require that the specific protection measure(s) be made part of the plan.

~~(f)~~(1) The minimum WLPZ width for Class I waters shall be 150 feet from the watercourse or lake transition line. Where a

1 proposed THP is located within the Sacramento or San Joaquin river
2 drainages, and the Director and DFG concur; the RPF may explain and
3 justify other WLPZ widths on areas where even aged regeneration
4 methods, seed tree removal, shelterwood removal, alternative
5 prescriptions, or rehabilitation will not be utilized adjacent to
6 watercourse and lake protection zones and where slopes are less than
7 30%.

8 ~~(g)~~(2) Within a WLPZ for Class I waters, at least 85
9 percent overstory canopy shall be retained within 75 feet of the
10 watercourse or lake transition line, and at least 65 percent overstory
11 canopy within the remainder of the WLPZ. The overstory canopy must be
12 composed of at least 25% overstory conifer canopy post-harvest. Where
13 a proposed THP is located within the Sacramento or San Joaquin river
14 drainages, and the Director and DFG concur; the RPF may explain and
15 justify other canopy retention standards on areas where even aged
16 regeneration methods, seed tree removal, shelterwood removal,
17 alternative prescriptions, or rehabilitation will not be utilized
18 adjacent to watercourse and lake protection zones and where slopes are
19 less than 30%.

20 Harvesting of hardwoods shall only occur for the purpose of
21 enabling conifer regeneration.

22 ~~(h)~~(3) For Class I waters, any plan involving timber
23 operations within the WLPZ shall contain the following information:

24 ~~(1)~~(A) A clear and enforceable specification of how
25 any disturbance or log or tree cutting and removal within the Class I

1 WLPZ shall be carried out to conform with 14 CCR 916.2 [936.2,
2 956.2](a) and 916.9 [936.9, 956.9](a).

3 ~~(2)~~(B) A description of all existing permanent
4 crossings of Class I waters by logging roads and clear specification
5 regarding how these crossings are to be modified, used, and treated to
6 minimize risks, giving special attention to allowing fish to pass both
7 upstream and downstream during all life stages.

8 ~~(3)~~(C) Clear and enforceable specifications for
9 construction and operation of any new crossing of Class I waters to
10 prevent direct harm, habitat degradation, water velocity increase,
11 hindrance of fish passage, or other potential impairment of beneficial
12 uses of water.

13 ~~(i)~~(4) Recruitment of large woody debris for aquatic
14 habitat in Class I anadromous fish-bearing or restorable waters shall
15 be ensured by retaining the ten largest dbh conifers (live or dead)
16 per 330 feet of stream channel length that are the most conducive to
17 recruitment to provide for the beneficial functions of riparian zones.
18 The retained conifers shall be selected from within the THP area that
19 lies within 50 feet of the watercourse transition line. Where the THP
20 boundary is an ownership boundary, a class I watercourse, and the
21 WLPZ on both sides of the watercourse currently meets the stocking
22 standards listed under 14 CCR 912.7[932.7,952.7](b)(2)}; the five (5)
23 largest dbh conifers (live or dead) per 330 feet of stream channel
24 length that are the most conducive to recruitment to provide for the
25 beneficial functions of riparian zones within the THP area shall be

1 retained within 50 feet of the watercourse transition line.

2 The RPF may propose alternatives to substitute smaller diameter
3 trees, trees that are more than 50 feet from the watercourse
4 transition line, or other alternatives on a site specific basis. The
5 RPF must explain and justify in the THP why the proposed alternative
6 is more conducive to current and long-term Large Woody Debris
7 recruitment, shading, bank stability, and the beneficial functions of
8 riparian zones.

9 ~~(j)~~(5) Where an inner gorge extends beyond a Class I WLPZ
10 and slopes are greater than 55%, a special management zone shall be
11 established where the use of evenaged regeneration methods is
12 prohibited. This zone shall extend upslope to the first major break-
13 in-slope to less than 55% for a distance of 100 feet or more, or 300
14 feet as measured from the watercourse or lake transition line, which
15 ever is less.

16 (g) All operations on slopes exceeding 65% within an inner gorge
17 of a Class I or II watercourse shall be reviewed by a ~~Registered~~
18 Professional Geologist prior to plan approval, regardless of whether
19 they are proposed within a WLPZ or outside of a WLPZ.

20 ~~(k)~~(h) From October 15 to May 1, the following shall apply: (1)
21 no timber operations shall take place unless the approved plan
22 incorporates a complete winter period operating plan pursuant to 14
23 CCR 914.7(a) [934.7(a), 954.7(a)], (2) unless the winter period
24 operating plan proposes operations during an extended period with low
25 antecedent soil wetness, no tractor roads shall be constructed,

1 reconstructed, or used on slopes that are over 40 percent and within
2 200 feet of a Class I, II, or III watercourse, as measured from the
3 watercourse or lake transition line, and (3) operation of trucks and
4 heavy equipment on roads and landings shall be limited to those with a
5 stable operating surface.

6 ~~(1)~~(i) Construction or reconstruction of logging roads, tractor
7 roads, or landings shall not take place during the winter period
8 unless the approved plan incorporates a complete winter period
9 operating plan pursuant to 14 CCR 914.7(a) that specifically address
10 such road construction. Use of logging roads, tractor roads, or
11 landings shall not take place at any location where saturated soil
12 conditions exist, where a stable logging road or landing operating
13 surface does not exist, or when visibly turbid water from the road,
14 landing, or skid trail surface or inside ditch may reach a watercourse
15 or lake. Grading to obtain a drier running surface more than one time
16 before reincorporation of any resulting berms back into the road
17 surface is prohibited.

18 ~~(m)~~(j) All tractor roads shall have drainage and/or drainage
19 collection and storage facilities installed as soon as practical
20 following yarding and prior to either (1) the start of any rain which
21 causes overland flow across or along the disturbed surface within a
22 WLPZ or within any ELZ or EEZ designated for watercourse or lake
23 protection, or (2) any day with a National Weather Service forecast of
24 a chance of rain of 30 percent or more, a flash flood warning, or a
25 flash flood watch.

1 ~~(n)~~**(k)** Within the WLPZ, and within any ELZ or EEZ designated for
2 watercourse or lake protection, treatments to stabilize soils,
3 minimize soil erosion, and prevent the discharge of sediment into
4 waters in amounts deleterious to aquatic species or the quality and
5 beneficial uses of water, or that threaten to violate applicable water
6 quality requirements, shall be applied in accordance with the
7 following standards:

8 (1) The following requirements shall apply to all such
9 treatments.

10 (A) They shall be described in the plan.

11 (B) For areas disturbed from May 1 through October 15,
12 treatment shall be completed prior to the start of any rain that
13 causes overland flow across or along the disturbed surface.

14 (C) For areas disturbed from October 16 through April
15 30, treatment shall be completed prior to any day for which a chance
16 of rain of 30 percent or greater is forecast by the National Weather
17 Service or within 10 days, whichever is earlier.

18 (2) The traveled surface of logging roads shall be treated
19 to prevent waterborne transport of sediment and concentration of
20 runoff that results from timber operations.

21 (3) The treatment for other disturbed areas, including: (A)
22 areas exceeding 100 contiguous square feet where timber operations
23 have exposed bare soil, (B) approaches to tractor road watercourse
24 crossings between the drainage facilities closest to the crossing, (C)
25 road cut banks and fills, and (D) any other area of disturbed soil

1 that threatens to discharge sediment into waters in amounts
2 deleterious to the quality and beneficial uses of water, may include,
3 but need not be limited to, mulching, rip-rapping, grass seeding, or
4 chemical soil stabilizers. Where straw, mulch, or slash is used, the
5 minimum coverage shall be 90%, and any treated area that has been
6 subject to reuse or has less than 90% surface cover shall be treated
7 again prior to the end of timber operations. The RPF may propose
8 alternative treatments that will achieve the same level of erosion
9 control and sediment discharge prevention.

10 (4) Where the undisturbed natural ground cover cannot
11 effectively protect beneficial uses of water from timber operations,
12 the ground shall be treated by measures including, but not limited to,
13 seeding, mulching, or replanting, in order to retain and improve its
14 natural ability to filter sediment, minimize soil erosion, and
15 stabilize banks of watercourses and lakes.

16 ~~(o)~~(l) As part of the plan, the RPF shall identify active erosion
17 sites in the logging area, assess them to determine which sites pose
18 significant risks to the beneficial uses of water, assess them to
19 determine whether feasible remedies exist, and address in the plan
20 feasible remediation for all sites that pose significant risk to the
21 beneficial uses of water.

22 ~~(p)~~(m) The erosion control maintenance period on permanent and
23 seasonal roads and associated landings that are not abandoned in
24 accordance with 14 CCR 923.8 shall be three years.

25 ~~(q)~~(n) Site preparation activities shall be designed to prevent
soil disturbance within, and minimize soil movement into, the channels

1 of watercourses. Prior to any broadcast burning, burning prescriptions
2 shall be designed to prevent loss of large woody debris in
3 watercourses, and vegetation and duff within a WLPZ, or within any ELZ
4 or EEZ designated for watercourse or lake protection. No ignition is
5 to occur within any WLPZ, or within any ELZ or EEZ designated for
6 watercourse or lake protection. When burning prescriptions are
7 proposed, the measures or burning restrictions which are intended to
8 accomplish this goal shall be stated in the plan and included in any
9 required burning permit. This information shall be provided in
10 addition to the information required under 14 CCR 915.4.

11 ~~(r)~~(o) Water drafting for timber operations from within a channel
12 zone of a natural watercourse or from a lake shall conform with the
13 following standards:

14 (1) The RPF shall incorporate into the THP:

15 (A) a description and map of proposed water drafting
16 locations,
17 (B) the watercourse or lake classification, and
18 (C) the general drafting location use parameters
19 (i.e., yearly timing, estimated total volume needed, estimated total
20 uptake rate and filling time, and associated water drafting activities
21 from other THPs).

22 (2) On Class I and Class II streams where the RPF has
23 estimated that:

24 (A) bypass flows are less than 2 cubic feet per
25 second, or

(B) pool volume at the water drafting site would be

1 reduced by 10%, or

2 (C) diversion rate exceeds 350 gallons per minute, or

3 (D) diversion rate exceeds 10% of the above surface
4 flow;

5 no water drafting shall occur unless the RPF prepares a water drafting
6 plan to be reviewed and, if necessary a stream bed alteration
7 agreement issued, by DFG and approved by the Director. The Director
8 may accept the project description and conditions portion of an
9 approved "Streambed Alteration Agreement" issued under the Fish and
10 Game Code (F&GC 1600 et seq.) which is submitted instead of the water
11 drafting plan described in 14 CCR §916.9(r) (2) (D) (1-5) .

12 The water drafting plan shall include, but not be limited to:

13 1. disclosure of estimated percent streamflow reduction and duration
14 of reduction,

15 2. discussion of the effects of single pumping operations, or multiple
16 pumping operations at the same location,

17 3. proposed alternatives and discussion to prevent adverse effects
18 (e.g. reduction in hose diameter, reduction in total intake at one
19 location, described allowances for recharge time, and alternative
20 water drafting locations),

21 4. conditions for operators to include an operations log kept on the
22 water truck containing the following information: Date, Time, Pump
23 Rate, Filling Time, Screen Cleaned, Screen Conditions, and Bypass flow
24 observations,

25 5. a statement by the RPF for a pre-operations field review with the
operator to discuss the conditions in the water drafting plan.

1 (3) Intakes shall be screened in Class I and Class II
2 waters. Screens shall be designed to prevent the entrainment or
3 impingement of all life stages of fish or amphibians. Screen
4 specifications shall be included in the plan.

5 (4) Approaches to drafting locations within a WLPZ shall be
6 surfaced with rock or other suitable material to avoid generation of
7 sediment.

8 ~~(s)(p)~~ No timber operations are allowed in a WLPZ, or within any
9 ELZ or EEZ designated for watercourse or lake protection, under
10 ~~emergency notices or exemption notices except for:~~

- 11 (1) hauling on existing roads,
- 12 (2) road maintenance,
- 13 (3) operations conducted for public safety,
- 14 (4) construction or reconstruction of approved watercourse
15 crossings,
- 16 (5) temporary crossings of dry Class III watercourses which
17 do not require a "Streambed Alteration Agreement" under the Fish and
18 Game Code; or
- 19 (6) ~~forest conditions requiring harvesting that is approved~~
20 ~~by a letter of concurrence from DFG~~ harvesting recommended in writing
21 by DFG to address specifically identified forest conditions.

22 (q) No timber operations are allowed in a WLPZ, or within any
23 ELZ or EEZ designated for watercourse or lake protection, under
24 emergency notices except for:

- 25 (1) hauling on existing roads,
- (2) road maintenance,

1 (3) operations conducted for public safety,
2 (4) construction or reconstruction of approved watercourse
3 crossings,
4 (5) temporary crossings of dry Class III watercourses which
5 do not require a "Streambed Alteration Agreement" under the Fish and
6 Game Code,
7 (6) ~~forest conditions requiring harvesting that is approved~~
8 ~~by a letter of concurrence from DFG harvesting recommended in writing~~
9 ~~by DFG to address specifically identified forest conditions,~~
10 (7) the harvest of dead, or dying, or diseased conifer
11 trees subject to the following conditions:
12 (A) Recruitment of large woody debris for aquatic
13 habitat in Class I anadromous fish-bearing or restorable waters shall
14 be ensured by retaining the ten largest dbh conifers (live or dead)
15 per 330 feet of stream channel length that are the most conducive to
16 recruitment to provide for the beneficial functions of riparian zones.
17 The retained conifers shall be selected from within the THP area that
18 lies within 50 feet of the watercourse transition line. Where the THP
19 boundary is an ownership boundary, a class I watercourse, and the WLPZ
20 on both sides of the watercourse currently meets the stocking
21 standards listed under 14 CCR 912.7[932.7,952.7](b)(2)}; the five (5)
22 largest dbh conifers (live or dead) per 330 feet of stream channel
23 length that are the most conducive to recruitment to provide for the
24 beneficial functions of riparian zones within the THP area shall be
25 retained within 50 feet of the watercourse transition line.

1 The RPF may propose alternatives to substitute smaller diameter
2 trees, trees that are more than 50 feet from the watercourse
3 transition line, or other alternatives on a site specific basis. The
4 RPF must explain and justify in the THP why the proposed alternative
5 is more conducive to current and long-term Large Woody Debris
6 recruitment, shading, bank stability, and the beneficial functions of
7 riparian zones.

8 (B) Within any WLPZ, ELZ, or EEZ designated for Class
9 II or III watercourse protection, a minimum of two dead, dying, or
10 diseased conifer trees per acre at least 16 inches diameter breast
11 high and 50 feet tall shall be retained within 50 feet of the
12 watercourse transition line.

13 (C) Trees to be harvested or retained shall be marked
14 by, or under the supervision of, an RPF prior to timber operations
15 within the WLPZ or ELZ/EEZ.

16 (D) Within the WLPZ or ELZ/EEZ, if the stocking
17 standards of 14 CCR § 912[932, 952].7 are not met upon completion of
18 timber operations, unless the area meets the definition of
19 substantially damaged timberlands, at least ten trees shall be planted
20 for each tree harvested but need not exceed an average point count of
21 300 trees per acre ~~(741.3 per ha)~~.

22 ~~(t)~~(r) No salvage logging is allowed in a WLPZ without an
23 approved HCP, a PTEIR, an SYP, or an approved plan that contains a
24 section that sets forth objectives, goals, and measurable results for
25 streamside salvage operations.

(1) This section does not apply to emergency

1 operations under 14 CCR 1052.

2 ~~(u)~~**(s)** Nonstandard practices (i.e., waivers, exceptions, in-lieu
3 practices, and alternative practices) shall comply with the goal set
4 forth in subsection (a) above as well as with the other requirements
5 set forth in the rules.

6 ~~(v)~~**(t)** The Director may approve alternatives provided the
7 alternative practice will achieve the goal of this section. The
8 Director shall not accept for inclusion in a plan any alternative
9 practice as described in this section where two or more agencies
10 listed in 4582.6 of the PRC and 14 CCR 1037.3 have submitted written
11 comments which lead to the Director's conclusion that the proposed
12 alternative will not meet the goal of this section and the agency(ies)
13 participated in the review of the plan, including an on-the-ground
14 inspection.

15 ~~(w)~~**(u)** Other measures that would effectively achieve the goal set
16 forth in 14 CCR 916.9(a) may be approved in accordance with 14 CCR
17 916.6.

18 ~~(x)~~**(v)** The provisions of 14 CCR 916.9 shall not apply to a plan
19 that is subject to an incidental take permit based upon an approved
20 Habitat Conservation Plan that addresses anadromous salmonid
21 protection.

22 ~~(y)~~**(w)** This section shall expire on December 31, 2006.

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25 Version 5_9_06